

JOURNAL OF THE HOUSE.

Thursday, November 16, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Forgiveness and Truth, we look to You for direction and guidance as we address our daily responsibilities, often difficult, and our numerous opportunities for helping people. Teach us to be good, patient but critical, listeners at meetings as we define and serve the common good of society. Inspire us to cope successfully with the current and unique issues of these changing and uncertain times. May we pause, on occasion, to recognize and appreciate the good will, the good intentions and the generosity of so many people in our society.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to the safety of law enforcement officials (House, No. 5335) was filed in the office of the Clerk on Monday, November 6.

Warrants,
reporting.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Galvin of Canton and other members of the House) honoring Kenneth M. Rocke on his retirement as Superintendent-Director of the Blue Hills Regional Technical School;

Kenneth M.
Rocke.

Resolutions (filed by Representatives Haddad of Somerset and Quinn of Dartmouth) congratulating Stephen P. Tocco on the occasion of his retirement as Chairman of the Board of Higher Education;

Stephen P.
Tocco.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating John Townsend of Sharon on earning the rank of Eagle Scout; and

John
Townsend.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Benjamin Scheiner on receiving the Eagle Award of the Boy Scouts of America;

Benjamin
Scheiner.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Balser of Newton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Fox of Boston, petition (accompanied by bill, House, No. 5337) of Gloria L. Fox (with the approval of the mayor and city council) relative to the salaries of the members of the Licensing Board for the City of Boston; and

By Ms. Rogeness of Longmeadow, petition (accompanied by bill, House, No. 5338) of Mary S. Rogeness and others (by vote of the town) for legislation to authorize the town of East Longmeadow to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

Severally sent to the Senate for concurrence.

Mr. Pedone of Worcester presented a petition (subject to Joint Rule 12) of Vincent A. Pedone and others for legislation to establish a personal leave bank for Carol Denault, an employee of the Department of Mental Health at Worcester State Hospital; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Kaprielian of Watertown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Petrucci of Boston presented a petition (subject to Joint Rule 12) of Anthony Petrucci (with the approval of the mayor and city council) for legislation to increase the number of licenses for the sale of alcoholic beverages to be issued by the Licensing Board for the City of Boston; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Kaprielian of Watertown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Boston
Licensing
Board,
salaries.

East
Longmeadow,
liquor
license.

Carol
Denault,
sick leave.

Boston,
liquor
licenses.

Papers from the Senate.

The House Bill further regulating driver education and junior operator's licenses (House, No. 5064) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2688.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendment; and the report was accepted.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Wagner, O'Flaherty of Chelsea and Hill of Ipswich then were appointed as the committee on the part of the House. Sent to the Senate to be joined.

The House Bill relative to child labor (House, No. 4638, amended) came from the Senate with the endorsement that said branch had concurred with the House in its further amendments with a still further amendment adding the following two sections:

"SECTION 19. Said chapter 149 is hereby amended by inserting after section 105, as appearing in the 2004 Official Edition, the following section:—

Section 105½. (a) For purposes of this section 'Entertainment production' means and includes the following activities performed in the commonwealth: motion pictures of any kind using any format distributed in any medium, photography, recording, modeling, motion picture, theatrical or stage production, television production, commercial production, voice-overs, production crew, publicity, rodeos, circuses, musical performances, or any other performance where minors perform to entertain the public.

(b) Notwithstanding any other general or special law to the contrary, a child under 18 years of age may be employed in entertainment production, provided the hours of work do not exceed the following:

(1) for a child at least 15 days old but less than 2 years 6 months of age, 36 hours at the place of employment with no more than 2 hours of work and no more than 20 minutes of consecutive work, excluding meal breaks;

(2) for a child at least 6 months old but less than 2 years of age, 6 hours at the place of employment with no more than 2 hours of work and no more than 30 minutes of consecutive work, excluding meal breaks;

(3) for a child at least 2 years of age but less than 6 years of age, 6 hours at the place of employment with no more than 3 hours of work, excluding meal breaks;

(4) or a child at least 6 years of age but less than 9 years of age, 8 hours at the place of employment with no more than 5 hours of work, excluding meal breaks;

Junior
operator's
licenses.

Committee of
conference.

child
labor.

Child
labor.

(5) for a child at least 9 years of age but less than 16 years of age, 9 hours at the place of employment with no more than 6 hours of work, excluding meal breaks.

(6) for a child at least 16 years of age but less than 18 years of age, 12 hours at the place of employment with no more than 9 hours of work, excluding meal breaks.

(c) The work day for a child under 18 years of age employed under this section shall begin no earlier than 5:00 a.m. and shall end not later than 10:00 p.m. on evenings preceding school days; but a child performer at least 8 years of age in a theatrical or stage production, circus, musical performance or other performance with a live audience may continue a performance until 12:00 a.m. midnight on an evening preceding a school day if the performance began before 10:00 p.m.. On evenings preceding non-school days, the child's work day shall end no later than 12:30 a.m. on the morning of the non-school day. A child shall have a 12-hour break between the end of work on one day and the beginning of the next work day. A child shall not work more than 6 consecutive days.

(d) Child performers shall be held to the hour requirements of subsections (b) and (c) and shall not be restricted by any other hour requirements.

(e) A child shall fulfill the educational requirements set forth by the department of education or by the state or country of his residence, if he is not a resident of the commonwealth. A child who has not completed the requirements and who is employed in entertainment production when school is in session shall be subject to the following requirements:

(1) An employer employing a child for 2 or more school days in a 30 day period shall provide a state certified teacher who has credentials issued by the department of education or recognized by the department of education. This requirement shall apply beginning on the second day that the child performer renders services for that employer and shall continue on each day thereafter that school is in session and the child is rendering services; provided, however, that but if the child has executed a contract with the employer to work for 2 or more school days in the next 30-day period, the requirement shall apply beginning on the first day of the child performer's employment. A child receiving instruction from a teacher as required by this section shall not be declared absent from school. The requirements of this section shall be applicable only when school is in session and the child performer is not receiving educational instruction due to his employment schedule. Local school districts shall retain the power to determine that a minor is meeting applicable educational standards.

(2) For any child performer under 16 years old employed under this section, a parent or legal guardian shall be present with and accompany the performer on the set or location of the entertainment production. A parent or legal guardian may designate in writing any person over 21 years old to serve as an accompanying guardian for purposes of this section.

(3) A child performer employed in an entertainment production under this section shall obtain a permit issued in accordance with

this section and sections 86 to 88, inclusive. A child performer who resides in and attends school in the commonwealth shall obtain said permit from the attorney general, from the superintendent of schools in the town where the student resides or by a party authorized by the school committee of the town. A child performer who resides in, but does not attend school in the commonwealth shall obtain the permit from the attorney general once the attorney general receives, examines, approves and files all of the documents required by section 87 with the exception of a school record. A child performer who does not reside in or attend school in the commonwealth shall obtain the permit from the attorney general or from the appropriate issuing authority in the student's state or country of residence. If a child performer resides in a state or country that does not require child actors to obtain work permits, then the child performer shall obtain a work permit from the attorney general. The attorney general shall promulgate regulations pertaining to the application process for expedited or emergency permits to enable eligible performers to receive permits within 24 hours of submitting an application. A permit issued under this section shall be valid for employment by multiple employers and shall be valid for the longer of (i) the full duration of a child performer's service with an employer, or (ii) 6 months.

SECTION 20. Section 85P½ of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 42 and 43, the words 'and occurs during hours when attendance for instruction is not required in accordance with law'.

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, the still further amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its still further amendment; and the report was accepted.

The House then non-concurred with the Senate in its still further amendment. Sent to the Senate for its action.

The House Bill establishing a personal leave bank for Michael LoPriore, an employee of the Massachusetts Trial Court (House, No. 5325, changed) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2745; and striking out the title and inserting in place thereof the following title "An Act establishing a sick leave bank for Michael LoPriore, an employee of the Trial Court."

Michael
LoPriore,
personal
leave.

Under suspension of Rule 35, on motion of Mr. O'Flaherty of Chelsea, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2747) of Stephen M. Brewer, Jarrett T. Barrios and Cheryl A. Rivera for legislation relative to the oversight of inspections; and

Inspectors,
oversight.

Engineering
inspectors.

Petition (accompanied by bill, Senate, No. 2748) of Stephen M. Brewer, Jarrett T. Barrios and Cheryl A. Rivera for legislation relative to the age of appointment of district engineering inspectors;

Severally to the committee on Labor and Workforce Development.

Reports of Committees.

Lori
Mazanec,
sick leave.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Christopher J. Donelan and Stanley C. Rosenberg for legislation to establish a sick leave bank for Lori Mazanec, an employee of the Trial Court of the Commonwealth. Under suspension of the rules, on motion of Ms. Kaprielian of Watertown, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Burlington,
town
meeting.

Of the Bill relative to the election of town meeting member in the town of Burlington (House, No. 4556, changed),— and recommending that the same be recommitted to the committee on Election Laws;

Private
passenger
automobile
insurance.

Of the Bill relative to private passenger automobile insurance (House, No. 1551),— and recommending that the same be recommitted to the committee on Financial Services; and

John G.
Flores,
retirement
benefits.

Of the Bill allowing increased retirement benefits for John G. Flores (Senate, No. 2426),— and recommending that the same be recommitted to the committee on Public Service.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Disabled
veterans ,
plates.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to disabled veterans' motor vehicle plates (Senate, No. 2428) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

Boston,
homeowners
tax.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the homeowners' residential tax exemption in the city of Boston (House, No. 4421) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

Belmont,
post-
employment
fund.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Belmont to establish an other post-employment benefits trust fund (House, No. 5076) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Swansea Water District (House, No. 5179) be scheduled for consideration by the House.

Swansea
Water
District.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the Rehoboth agricultural and natural resources preservation council (House, No. 5288) [Local Approval Received] be scheduled for consideration by the House.

Rehoboth,
agriculture
council.

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith; and it was ordered to a third reading.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5298) of Antonio F. D. Cabral and others (with the approval of the mayor and city council) for legislation to authorize the city of New Bedford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises, was considered forthwith, under suspension of the rules, on motion of Ms. Wolf of Cambridge.

New
Bedford,
liquor
license.

Pending the question on acceptance of the report, Mr. Pedone of Worcester moved that it be amended by substitution of the Bill authorizing the city of New Bedford to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5340), which was read [Local Approval Received].

The amendment was adopted, and, under further suspension of rules, on further motion of the same member, the bill was read a second time forthwith; and, it was ordered to a third reading.

A report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5302) of Marie J. Parente and Richard T. Moore (by vote of the town) that the town of Hopedale be authorized to deposit certain receipts into the stabilization fund of said town, was considered forthwith, under suspension of the rules, on motion of Ms. Kaprielian of Watertown.

Hopedale,
stabilization
fund.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

A report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5285) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) that the Brick House Community Resource Center, Inc., in the town of Montague be exempt from paying certain real estate

Montague,
Brick
House.

Montague,
Brick
House.

taxes, was considered forthwith, under suspension of the rules, on motion of Mr. Kulik of Worthington.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill authorizing the town of Montague to exempt the Brick House Community Resource Center, Inc. from the payment of certain taxes (House, No. 5285), which was read [Local Approval Received].

The amendment was adopted, and, under further suspension of rules, on further motion of the same member, the bill was read a second time forthwith; and, it was ordered to a third reading.

Kelly Kearns
Aveni,
retirement
credit.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill authorizing the State Board of Retirement to grant creditable service to Kelly Kearns Aveni (House, No. 4970). Read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measure.

Michael
LoPriore,
personal
leave.

The engrossed Bill establishing a sick leave bank for Michael LoPriore, an employee of the Trial Court (see House, No. 5325, changed and amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill relative to lending limits (Senate, No. 2540), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Third
reading
bills.

Relative to abatements in the city of Gloucester for fiscal year 2005 (House, No. 4125);

Relative to the geriatric authority of the city of Holyoke (House, No. 4866);

Authorizing the Town of Wellesley to seek voter approval to assess taxes for the purpose of funding said Town's Group Insurance Liability Fund (House, No. 4872) (its title having been changed by the committee on Bills in the Third Reading);

Relative to life insurance companies (House, No. 4973) (its title having been changed by the committee on Bills in the Third Reading);

Relative to multiple office holding in the town of Burlington (House, No. 5140);

Relative to the rates of interest to be charged upon apportioned betterment assessments for the extension of municipal sewer and water services to Plum Island (House, No. 5305, changed);

Authorizing the town of Wenham to grant certain alcoholic beverages licenses (House, No. 5333); and

Authorizing the town of Winchester to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5334);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered. That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

Mr. Cabral of New Bedford then moved that as a mark of respect to the memory of Edward P. Coury, a member of the House from New Bedford from 1965 to 1978, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at fourteen minutes after twelve o'clock noon, on motion of Mr. Natale of Woburn (Mr. Donato of Medford being in the Chair), the House adjourned to meet on Monday next at eleven o'clock A.M., in an Informal Session.